Revenue (1926) **Department.**

Ms SERIES.

G.O. No. 2074

DATED 4-12-1926

[Despatch Abstract.]

Suits - South Kanara - Mangalore Sub Court - O.S. 59/26 - Escheat - Compromise - Orders passed - Board's Proceedings recorded.

CONFIDENTIAL.

REVENUE **DEPARTMENT.**

CURRENT No. 26453

Received 1-DEC 1926 192 *Registered* 1-12-26 192

SECRETARY TO GOVERNMENT 1-DEC 1926 REVENUE DEPARTMENT

Subject.

SUITS - (South Kanara) - Mangalore Sub Court - O.S. 59/26 - Escheat - Compromise - Orders passed.

ENCLOSURES
No.
Spare copies

Mis. (Confdl)No.

Station Madras. , *Dated the* 30th November 192 6

From
W. Scott Brown Esq., I.C.S.,
Secretary,
Land Revenue &
The Board of Revenue, Revenue/Settlement, etc.
Separate Revenue/

Resolution Referred.

H.A.B. Vernon Esq., I.C.S.,
Commissioner of Land Revenue.

Read the following:-

Letter from G.W. Wells Esq., M.A., I.C.S., Collector of South Kanara, No. Ref. on A3-4677-21, dated 25th November

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RESOLUTION.

A142(R)

The Board finds that the orders in its Reference A.6176/26-1, dated 12th November 1926 and Government Orders No. 1995 Revenue, dated 17th November 1926 have been misunderstood. It was not intended that the defendants should be asked to give up their claims to the value of the improvements effected by them. The Collector was directed to accept the compromise provided the amount of mesne profits to which Government will be entitled finally under the compromise is not less than ... value

of improvements which Government will have to pay.

2. With reference to the concluding paragraph of the local Government Pleader's letter the Board fails to see the substantial difference between an out right compromise and the one now suggested. The Board would prefer to compromise the suit outright provided the following conditions are satisfied:-

(1) Government should immediately be put in possession of the lands in question together with the improvements effected thereon:

(2) Government give up mesne profits except for 3 years prior to the date of suit and subsequent to the suit, and

(3) Government agree to pay the value of the improvements to the defendants and also costs, if the total is less than the mesne profits to which Government are entitled under condition (2).

The Collector may arrange for a compromise on these lines.

(True Extract)

W. H. Brown
30/11

Secretar

To the Collector of South Kanara.

Copy to the Secretary to Government, Revenue Department.

Copy of letter from G.W. Wells Esq., M.A., I.C.S., Collector of South Kanara, No. Ref. on A3-4577/21, dated 25th November 1926:

Suits - Mangalore - Sub Court - O.S. 1924-59 - (Escheat - Uppinangadi taluk - Kokkada etc. villages - Property of the deceased Rudraya)

Board's Reference A.6176/26-1, dated 12-11-1926 and G.O. thereon 1995 Revenue, dated 17-11-1926.

The Government Pleader, Mangalore, who was requested to effect the compromise in the light of the Government Order quoted above says that it would be difficult and practically impossible to make such of the defendants as have effected improvements give up their claim for the value of the improvements as the defendants who have actually claimed the improvements are very few in number and they may claim that all should be treated alike. The value of improvements which Government have to pay amounts to only Rs.1,700/- which must be considered to be trifling when compared with the large amount of mesne profits which the Government are prepared to forego as a result of the proposal of compromise made by the defendants. I request therefore that the Board may be pleased to address the Government recommending the acceptance of the original proposal of the defendants unconditionally without pressing for the additional condition imposed by Government. As the suit has been posted to 1st December and as the Sub Judge being anxious to dispose o the suit is not likely to grant an adjournment, I request that orders may be communicated to me by wire so as to reach me before the 1st December .

A copy of the Government Pleader's letter is enclosed.

Copy of letter dated 23rd Novr.1926 from the Government Pleader, Mangalore to the Collector of South Kanara.

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Suit:- O.S. No.59 of 1924 on the file of the Sub Court.

With reference to your letter dated the 18th of this month intimating to me that the proposal of the contesting defendants that they will concede that there were no heirs of Rudrayya living after the death of his daughter Sridevi, in case the Government gave up its claim for mesne profits for more than 3 years prior to the date of the suit may be accepted on condition of the defendants giving up their claims for improvements, I desire to bring the following facts to your notice.

All the defendants do not claim value of improvements so that in case of defendants who have not effected improvements the Government will give up the claim for mesne profits for more than 3 years prior to the date of suit only in consideration at their conceding that Sridevi was last heir to Rudrayya; but with regard to such of the defendants who have effected improvements they will have to make a further concession simply because they have effected improvements. Defendants may claim that all should be treated alike. It would be difficult and practically impossible to make such of the defendants as have effected improvements give up their claim for the value of the improvements.

Further the only defendants who will be hard hit are defendants Nos. 11, 16 and 22.

11 th defendant claims about 450 on account of improvement. The value of the improvement on S.F. No.111/1 which formed part of Rudrayya's estate is only 19-2-0. The other improvements are on lands which did not form part of Rudrayya's estate, but which were granted to him on darkhast on kumaki right. The Government claims these plots as accretions and in equity the value of the improvements of such plots may have to be paid.

The 16th defendant claims about ~~to~~ Rs.550/- on account of improvements and in S.F. No.149/7 alone the value of the improvements comes to Rs.502-9-3. There are many buildings and he and his predecessors have been in possession since 1872 on Mulgeni right.

The

The value of the improvements claimed by the 22nd defendant is about Rs. 490 of which the value of improvements on 29/1B comes to Rs.328-10-0. S.F. 29/1B was obtained by him on darkhast and that plot is claimed as an accretion to the estate.

The other defendants who claim improvement and the amount claimed by them have been shown below.

35th defendant	Rs.	8	8	0	
28th		98	12	0	The improvements stand on 51/2B which is not part of Rudrayya's estate and the case of Government with regard to it is very weak.
33rd		18	0	0	
24th		486	13	0	The 24th defendant appears to have obtained the mulgeni from Rudrayya himself and Government will not get actual possession and consequently the value of improvements will not be paid.
10th		1068	4	6	Improvements of the value of Rs.1014 11 8 stand on 32/2 whi cannot be shown to be part of Rudrayya's estate. Government will not get possession of 32/2 and consequently the claim for improvements to that extent will drop.

I therefore request that the condition imposed may not be pressed and that I may be empowered to accept the original proposal unconditionally.

As regards the compromise petition which I am directed to send I beg to state that no compromise petition is necessary as the entire suit is not being compromised but only Government relinquishes a portion of the claim and the contesting defendants concede a question of fact.

Suits - S. Kanara - Mangalore Sub Court - OS 59/26 - Escheat Compromise.

From the Board of Rev, Ad Dept, Roc 2778 Mis Dy 3011 [C 2645 B/26].

Previous papers.

Go. 959 Rev Dy 30.5.922

Go. 995 Rev Dy 17.11.926.

Secretary's remarks on the Current Papers at once.

J.F.H. 1.12.26.

To Under Secy.

(T)

In Go No 959 Rev Dy 30.5.922, the Govt accepted the recommendation of the Board of Rev to claim by escheat the properties estimated at Rs 30,0 of the late Rudrayya in Kokkada & certain other villages of the Uppinangadi taluk S. Kanara D & directed that a suit should be filed if necessar to recover possession. A suit was filed by the Collr in 1924 in the Sub-Court, Mangalore in which the Govt claimed among other things mesne profits amounting to Rs 42,212 for 12 yea prior to the date of the suit. During the trial of the suit, the defendants made a proposal that if the Govt relinquished their claim for mesne profits for the period beyond 3 years prior to the date of the suit they would concede that the Govt owner died intestate according to the contention of Govt. The local Govt Pleader & the Collr recommended that the proposal might be accepted. Under this proposal the Govt have to give up their claim to mesne profi to the extent of about Rs 32,000. The Board of Rev considered that as the value of the improve- ments on the land would have to be paid by Govt

the defendants it would be worth while
[illegible] to compromise the suit,
provided that the claim for the value of improvements by the defendants is cancelled by the claim for mesne profits by Govt. The Govt agreed with the Board.

At the instance of the Govt Pleader, Manager requested that orders may be issued the Coll ~~attaching that to consider the application~~ accepting the original proposal unconditionally. As remarked by the Board the intention of the orders - the Bd's Proc dy 12-11-926 & Govt No 4955 Rev dy 17-11-926 has been misunderstood by both the Govt Pleader & the Coll. In the Bd's Proc in the C.P., the Board has made clear the intention (set out by the Collector) to Coll & has ~~instructed~~ the conditions

Scott. II-5 (b)—25,000—25-11-25. (6)

Rev DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..	4.12	
When examined ..		
When signed ..		
When despatched ..		

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READ AGAIN G.O. No. 959 Rev, dated 30.5.922 (T) 192

" " " " 1885-Rev " 17.11.926 (R) 192

READ ALSO:—

C. No. 26453/26 From the Boards Secy Madras Pr No. 2778 Rev Confl dated 30.11. 1926

" " " " " " 192

" " " " " " 192

ORDER. No. 2074, dated 4—12— 1926.

Mis

3/12/26

Recorded.

2/12/26

8th 2/12/26

To the Boards Secy (Madras).

DEC 1926

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